

PUBLIC SAFETY
Subtitle 10. Maryland Building Rehabilitation Code.

§12–1001. Definitions

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Addition” means an increase in:
 - (1) building area;
 - (2) aggregate floor area;
 - (3) height; or
 - (4) number of stories.
- (c) “Change of occupancy” means a change in the purpose or level of activity in a building or structure that involves a change in application of the local building code requirements.
- (d) “Construction permit application” means an application for a permit or other governmental approval for a rehabilitation project.
- (e) “Department” means the Department of Housing and Community Development.
- (f) “Existing building” means a building or structure that was erected and occupied, or was issued a certificate of occupancy, at least 1 year before a construction permit application for the building or structure was made to a local jurisdiction, the Maryland-National Capital Park and Planning Commission, or the Washington Suburban Sanitary Commission.
- (g) “Local jurisdiction” means:
 - (1) a county; or
 - (2) a municipal corporation in the State.
- (h) “MBRC” means the Maryland Building Rehabilitation Code.
- (i) “Modification” means:
 - (1) the reconfiguration of a space;
 - (2) the addition or elimination of a door or window;
 - (3) the reconfiguration or extension of a system; or
 - (4) the installation of any additional equipment.
- (j) “Reconstruction” means:
 - (1) the reconfiguration of a space that:
 - (i) affects an exit or element of the egress access that is shared by more than a single occupant; or
 - (ii) prevents occupancy of the work area because the existing means of egress and fire protection systems, or their equivalent, are not in place or continuously maintained; or
 - (2) extensive modifications.

(k) “Rehabilitation project” means construction work undertaken in an existing building that includes repair, renovation, modification, reconstruction, change of occupancy, or addition.

(l) (1) “Renovation” means:

(i) the change, strengthening, or addition of load bearing elements; or

(ii) the refinishing, replacement, bracing, strengthening, upgrading, or extensive repair of existing materials, elements, components, equipment, or fixtures.

(2) “Renovation” does not include:

(i) reconfiguration of a space; or

(ii) interior or exterior painting.

(m) “Repair” means the patching, restoration, or minor replacement of materials, elements, components, equipment, or fixtures to maintain them in good or sound condition.

§12–1002. Effect of Subtitle

(a) This subtitle is effective notwithstanding any other provisions of law.

(b) This subtitle does not supersede the planning, zoning, or subdivision authority of local jurisdictions, the Maryland-National Capital Park and Planning Commission, or the Washington Suburban Sanitary Commission.

§12–1003. Maryland Building Rehabilitation Code Advisory Council

(a) There is a Maryland Building Rehabilitation Code Advisory Council.

(b) The Council consists of the following 27 members:

(1) the Secretary of Housing and Community Development or the Secretary’s designee;

(2) the Secretary of Labor, Licensing, and Regulation or the Secretary’s designee;

(3) the State Fire Marshal or the Fire Marshal’s designee;

(4) the State Historic Preservation Officer or the Officer’s designee;

(5) the Secretary of Disabilities or the Secretary’s designee; and

(6) the following 22 members appointed by the Governor:

(i) one representative of the State Fire Prevention Commission;

(ii) four representatives of the building trades who are directly involved or have experience in code setting or code enforcement, including plumbers, electricians, boiler operators, and heating, ventilation, air-conditioning, and refrigeration contractors;

(iii) two architects practicing in the State, a significant portion of whose practice includes rehabilitation projects;

(iv) one professional engineer;

(v) two contractors specializing in rehabilitation construction;

(vi) two representatives of county government;

(vii) two representatives of municipal government;

(viii) two building code officials serving local government;

(ix) one commercial and industrial building owner or developer;

(x) one multifamily building owner or developer;

(xi) two local fire officials; and

(xii) two members of the public.

(c) The composition of the Council shall reflect the racial, gender, and geographic diversity of the population of the State.

(d) (1) The term of an appointed member is 4 years and begins on July 1.

(2) The terms of appointed members are staggered as required by the terms provided for members of the Council on October 1, 2003.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(5) An appointed member may serve no more than two terms.

(e) The Governor shall designate a chairman from among the Council members.

(f) A member of the Council:

(1) may not receive compensation for service on the Council; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(g) (1) The Secretary of Housing and Community Development shall appoint the Director of the Council.

(2) The Director is a special appointment in the State Personnel Management System.

(h) The Council shall:

(1) advise the Department on the development and adoption of and amendments to the MBRC;

(2) provide technical advice on the interpretation of the MBRC to property owners, design professionals, contractors, and code officials and code appeal boards of local jurisdictions, the Maryland-National Capital Park and Planning Commission, and the Washington Suburban Sanitary Commission;

(3) develop the MBRC to the extent possible to avoid increased costs to local jurisdictions resulting from implementation of the MBRC; and

(4) to the extent provided in the State budget, provide training on the MBRC for code officials and other public and private construction-related professionals.

§12–1004. Maryland Building Rehabilitation Code – In General

(a) (1) The Department, in cooperation with the Maryland Building Rehabilitation Code Advisory Council, the Department of Labor, Licensing, and Regulation, and the State Fire Marshal, shall adopt by regulation the Maryland Building Rehabilitation Code.

(2) The MBRC shall be modeled on the nationally applicable recommended rehabilitation provisions developed by the United States Department of Housing and Urban Development and the National Association of Home Builders Research Center.

(b) The purpose of the MBRC is to encourage and facilitate the rehabilitation of existing buildings by reducing the cost of and constraints on rehabilitation that result from existing procedures and standards.

(c) Except as otherwise allowed under this subtitle and Subtitles 2, 3, 4, and 5 of this title, and notwithstanding Articles 23A, 25, 25A, 25B, 28, and 29 of the Code and any building codes, mechanical codes, plumbing codes, fire prevention codes, and electrical codes adopted under those articles of the Code, the MBRC applies to all rehabilitation projects for which a construction permit application is received by a local jurisdiction, the Maryland-National Capital Park and Planning Commission, or the Washington Suburban Sanitary Commission after adoption of the MBRC

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(a) At a minimum, the MBRC shall:

- (1) maintain a level of safety consistent with existing codes;
- (2) provide for multiple categories of work with multiple compliance standards;
- (3) be enforceable by local officials using existing enforcement procedures;
- (4) apply to the repair, renovation, modification, and reconstruction of, a change of occupancy in, and an addition to, an existing building;
- (5) provide an expedited review process for proposed amendments to the MBRC submitted by a local government or an organization that represents local governments; and
- (6) provide an opportunity for a person proposing a complex project that involves multiple codes to meet, before submitting a construction permit application,

with the local officials, or their designees, responsible for permit approval and enforcement of construction-related laws that apply to the project.

(b) To the extent possible, the meeting provided for under subsection (a)(6) of this section shall include the officials responsible for permit approval and enforcement in any of the following areas that apply to the complex project:

- (1) building code;
- (2) mechanical code;
- (3) plumbing code;
- (4) electrical code;
- (5) fire prevention code;
- (6) boiler safety code;
- (7) energy code;
- (8) elevator code; and
- (9) local historic preservation ordinances.

(c) The purpose of the meeting provided for under subsection (a)(6) of this section is to anticipate and expedite the resolution of problems that a complex project may have in complying with the MBRC and any other applicable laws.

§12–1006. Conforming changes to other codes and standards

Within 90 days after the adoption of the MBRC and any subsequent amendments to the MBRC:

(1) the Department of Labor, Licensing, and Regulation, the State Board of Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors, the State Board of Plumbing, the Commissioner of Labor and Industry, and the Board of Boiler Rules shall submit proposed amendments to their regulations to make the Mechanical Code, the State Plumbing Code, the Boiler Safety Code, and the Elevator Code consistent with the MBRC;

(2) the Department of State Police and the State Fire Prevention Commission shall submit proposed amendments to their regulations to make the State Fire Prevention Code consistent with the MBRC; and

(3) the Department shall submit proposed amendments to its regulations to make the Maryland Building Performance Standards, the Safety Glazing Code, the Energy Code, and the Maryland Accessibility Code consistent with the MBRC.

§12–1007. Amendments

(a) At least every 3 years, the Department, in cooperation with the Maryland Building Rehabilitation Code Advisory Council, shall review the MBRC and adopt any necessary or desirable amendments.

(b) (1) A local jurisdiction may adopt amendments to the MBRC that apply only to the local jurisdiction.

(2) A municipal corporation whose authority to adopt or amend a building code is limited, by law, by the authority of the county in which it is located, is not subject to an amendment to the MBRC adopted by the county unless the municipal corporation also adopts the amendment.

(c) To keep current the central database established under § 12-506 of this title, a local jurisdiction that amends the MBRC shall provide a copy of the amendment to the Department:

- (1) at least 15 days before the effective date of the amendment; or
- (2) within 5 days after the adoption of an emergency local amendment.

(d) A local jurisdiction that amends the MBRC is not eligible for any funding appropriated above the appropriation in fiscal year 2000 for:

(1) circuit rider MBRC inspectors provided under the circuit rider program in the Department;

(2) training for the local jurisdiction's code enforcement officials, as provided for in § 12-1003(h)(4) of this subtitle;

(3) a smart growth mortgage program, to be established by the Department under Title 4, Subtitles 2 and 8 of the Housing and Community Development Article;

(4) the Neighborhood Conservation Program in the Department of Transportation; and

(5) the Rural Legacy Program established under Title 5, Subtitle 9A of the Natural Resources Article.

(e) A local jurisdiction that amends the MBRC is not eligible for a priority under the Department of Transportation's transportation enhancements programs